

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
PHILIPS STEVEN NEWTON ET AL.

Atty. Docket
NL 040286

Confirmation No. 3013

Serial No. 10/598,988

Group Art Unit: 2456

Filed: SEPTEMBER 18, 2006

Examiner: MCADAMS, BRAD

Title: APPLICATION CONTROLLED REMOTE STORAGE

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APPELLANTS' SECOND REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on June 11, 2010, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on March 16, 2009, and the Reply Brief filed on August 11, 2009 which are incorporated herein by reference. Further, Appellants refute the allegations made in the SECOND Examiner's Answer of June 11, 2010, which repeats the allegations of the FIRST Examiner's Answer of June 18, 2009 and further includes a new ground of rejection.

In particular, claims 7 and 8 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite since no algorithm is provided for the claimed 'control means' where 35 U.S.C. §112, sixth paragraph is invoked. This allegation is respectfully traversed. In particular, claim 7 recites "control means for performing applications that may generate auxiliary data relating to the applications." Further, claim 8 recites "the control means are arranged for retrieving applications to be performed from the storage medium." FIGs 4a, 4b and related description thereof, such as on page 9, lines 4-28 describe the flow charts shown in FIGs 4a and 4b, specifically stating that an "application [that] uses the in- and output streams to write data to the remote server or read data from the remote server." (Page 9, lines 24-25 of the specification) Further, page 9, lines 26-28 provide specific algorithm for writing and reading data to and from the remote server.

In addition, FIG 5 and page 10, lines 4-19 of the specification describe a sequence chart of a protocol between a server and a storage application executed by the control means or a control unit 20 shown in FIG 2, and described on page 5, lines 5-18 of the

specification. As described on page 10, lines 4-19 and shown in FIG 5, the control unit 20 on a user device runs an interactive application APP 51. "The application 51 includes the storage application described above with reference to Fig. 4," that includes a first stage 53 APPL: START READ and a second stage 57 APPL: STORE (Page 10, lines 7-8 of the specification)

It is respectfully submitted that the specification and figures provide enough structure and algorithm for the claims control means "for performing applications that may generate auxiliary data relating to the applications," as recited in claim 7, and "for retrieving applications to be performed from the storage medium," as recited in claim 7. Accordingly, it is respectfully submitted that claims 7 and 8 are definite under 35 U.S.C. §112, second paragraph.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.


CONCLUSION

Claims 7 and 8 are definite under 35 U.S.C. §112, second paragraph.

Thus, the Examiner's rejections of claims 7 and 8 under 35 U.S.C. §112, second paragraph, should be reversed.

Further, the Examiner's rejections of claims 1-10 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2004/0204073 (Yanosy) in view of U.S. Patent Application Publication No. 2002/0161934 (Johnson) should also be reversed, as discussed in the Appeal Brief filed on March 16, 2009, and the FIRST Reply Brief filed on August 11, 2009 which are incorporated herein by reference.

Respectfully submitted,

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